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35. The apparatus of claim 31, wherein the vehicle environment data comprises data relating to at least one of road condition, lane following, headway, traffic control and traffic condition.
36. The apparatus of claim 31, wherein indication comprises at least one of a visual indication, an audio indication and a haptic indication.
37. The apparatus of claim 31, wherein the indication comprises a pre-recorded message.
38. The apparatus of claim 31, wherein the indication comprises prioritized information.
39. The apparatus of claim 31, wherein the indication conveys one of an operator task and an agent task.

#### REMARKS

Claims 1-19 have been canceled from the application. The examiner noted that as filed there was no claim 9, and therefore the examiner renumbered the claim from 1-20 to 1-19. To facilitate amendment and to ensure correct dependency, applicants have canceled claims 1-19, as renumbered by the examiner, in favor of new claims 20-39, which have been added to the application.. Claim 24 is new to the application.

#### Rejections Based Upon the Prior Art

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Enhsson, WO 92/03803. As claims 20, 29 and 31 substantially correspond to claims

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1, 9 and 11, respectively, according to the examiner's renumbering, applicants traverse this rejection and request reconsideration.

Generally stated, claims 20-39 are distinguishable from the prior art and particularly from Enhsson because none of the cited references teach the step of or structure for determining cognitive load of a vehicle driver in order for prioritizing vehicle information and selectively informing the operator of the vehicle information.

The examiner references page 7 of Enhsson in relation to determining a driver cognitive load. This reference only describes particular sensors that measure driver inputs to the vehicle and/or condition of the driver or the vehicle. While these characteristics are parameters that may be used to calculate the driver cognitive load, Enhsson does not teach or suggest this calculation. Enhsson teaches the use of data from these sensors to provide feedback to the driver regarding driving activity, not for prioritizing and selectively informing the driver of the vehicle information. For example, should the driver have applied the brakes in a certain situation but instead failed to apply the brakes or applied the accelerator, the Enhsson system would record the correct response and inform the driver what the correct response is either during the driving activity or subsequent to the driving activity.

Driver cognitive load, on the other hand, measures the work in each task that the driver is undertaking in view of the operating situation. This means that driver cognitive load not only takes into account the amount of work needed to operate the vehicle in the most driver friendly conditions, but also the amount of work needed to operate the vehicle in the most severe driving conditions, where weather is threatening or road conditions are degraded. Driver cognitive load would be higher in severe situations, where stress is higher and road conditions make it more challenging to perform the same task. Enhsson does not suggest this multifaceted analysis. Enhsson

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singularly maps driver behavior during the driving activity relative to a determined desired driver behavior.

Moreover, unlike Enhsson, information may be managed in view of cognitive load and operating situation. The process described by the claims considers the additional cognitive load that would be placed on the driver from additional tasks elicited from new operating situations and determines the urgency of new information, urgency of new tasks suggested by new information, prioritizes that information, and selectively provides that information to the driver. Enhsson in no way teaches or suggests this.

For at least these reasons it is believed claims 1-19 are allowable and such action is respectfully requested.

The commissioner is authorized to charge any deficiency in the amount enclosed or any additional fees which may be required to Deposit Account No. 13-2855.

Respectfully submitted,

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